



A BILL FOR AN ORDINANCE

RELATING TO PARKS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to facilitate the administration of the Adopt-a-Park program and Community Recreational Gardening program expansion.

The Council finds that:

- (a) The Department of Parks and Recreation's ("DPR") Recreation Support Services Branch currently administers the Adopt-a-Park program, which is neither established in ordinance nor guided by administrative rules; and
- (b) The DPR also administers 10 community garden sites under the Community Recreational Gardening program, which is governed by rules established by the City and County of Honolulu ("City") contained in the *1984 Amended Rules and Regulations for Community Recreational Gardening Program*; and
- (c) The Adopt-a-Park program and the Community Recreational Gardening program enlist public and private organizations and individuals to volunteer their time, cash, equipment, materials, and services to improve parks in collaboration with the DPR and its employees; and
- (d) Both programs are ideal ways for schools, nonprofit organizations, neighborhood associations, and the public to take an active role in the beautification, preservation, and enhancement of parks, beaches, and gardens in their neighborhoods, while promoting sustainability, food production, and community coordination throughout the City; and
- (e) Since the COVID-19 outbreak was declared an international and national public health emergency in January 2020, many businesses have been forced to close, with hundreds of thousands of employees being laid off or furloughed and forced into unemployment due to loss of income; and
- (f) As the COVID-19 pandemic continues to impact the economy, fears of a global food crisis in the foreseeable future are also likely to become reality, as the United Nations has warned that an estimated 265 million people worldwide could face food insecurity by the end of 2020; and



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- (g) Through private sector partnerships, the Hawaii Foodbank and its local food distribution partners have held several food distribution events to feed thousands of Hawaii's struggling families, strongly underscoring the community's reliance on these events and the need for food security and sustainability in the City and in the State; and
- (h) Expansion of the City's Community Recreational Gardening program can serve a growing need for food security and sustainability in the community; increasing public awareness of and access to the program may lead to future expansion of the program, increased yield for the local food supply, and more opportunities for community food donations; and
- (i) There is minimal official documentation and information available for public and private entities wishing to participate in the Adopt-a-Park program, and therefore, there is a compelling need for the DPR to streamline the process of participation in its current Adopt-a-Park program and a Community Recreational Gardening program expansion by providing clearer guidelines to minimize red tape, increase awareness of the programs, and ease access for public participation.

SECTION 2. Chapter 10, Article 1, Revised Ordinances of Honolulu 1990, ("Department of Parks and Recreation"), is amended by adding two new sections to be appropriately designated by the Revisor of Ordinances and to read as follows:

"Sec. 10-1.A Adopt-a-Park program."

- (a) Definitions. For the purposes of this section:

"Adopt-a-Park program" means the department's Adopt-a-Park program.

"Adopter" means a person adopting a public park or portion thereof under the Adopt-a-Park program.

"Department" means the department of parks and recreation.

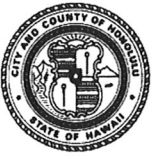
"Person" has the same meaning as defined in Section 1-4.1.

- (b) The director, in accordance with HRS Chapter 91, shall establish rules and policies regarding the application to adopt a public park or portion thereof and shall prepare and make available to the public forms necessary for persons to participate in the Adopt-a-Park program.



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- (c) The director shall include in the rules and policies one for the acceptance of charitable contributions of cash or services to restore and improve a public park or portion thereof. Such rules and policies must clearly identify to the public the process by which charitable contributions of cash or services are to be conveyed to the city and administered by the department.
- (d) The director shall take steps to provide online access to information, application forms and related documents, and services or shall consider alternative means of enhancing access to prospective participants of the Adopt-a-Park program.
- (e) The director shall provide policies and guidelines for the administration and enforcement of the Adopt-a-Park program, including but not limited to:
 - (1) The director's discretion to revoke, in writing, an adopter's control, maintenance, and management of an adopted park upon the department's determination that an adopter has failed to properly maintain an adopted park in a manner consistent with the department's rules, policies, or guidelines and any agreement between the adopter and the department;
 - (2) Declaring a public park or portion thereof as ineligible for the Adopt-a-Park program if its location or physical attributes would pose safety hazards to the adopter or the public, or if there are legal constraints that preclude the park being eligible; and
 - (3) Waiving any fees required by this chapter for the use of any public park as long as the person being assessed the fee actively cleans and maintains the park in accordance with the guidelines provided by the department.
- (f) The director shall adopt rules and establish policies regarding the following:
 - (1) The application process, including any related application materials that potential adopters must complete prior to the official establishment of a park adoption relationship;
 - (2) The types of permits, fees, and charges, if any, required of adopting organizations by the department, including a fee waiver application process for adopters;
 - (3) Any indemnifications, including copies of liability waiver forms, sought by the department in conjunction with the program; and



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- (4) Obligations placed upon the department when entering into an Adopt-a-Park program agreement with an adopter, such as gift acceptances by the city, public procurement requirements, or public union contract commitments.
- (g) The director shall provide applicable guidelines regarding prohibited and acceptable maintenance activities, which may include the following:
 - (1) Removal of litter and debris from the adopted public park or portion thereof;
 - (2) Removal or concealing of graffiti on walls and public facilities;
 - (3) Pruning or trimming of overgrown vegetation and foliage, clearing of invasive weeds, raking, and consistent watering of vegetation;
 - (4) Replanting of damaged or diseased vegetation, subject to the director's approval to replant damaged or diseased vegetation;
 - (5) Other approved activities; and
 - (6) Notwithstanding Section 10-1.2(b)(1), removal and disposal of any cuttings, leaves, branches, weeds, and other debris as part of the adopter's maintenance of the adopted park.

Sec. 10-1.B Community Recreational Gardening program expansion.

- (a) For the purposes of this section, "department" means the department of parks and recreation.
- (b) The director shall seek out locations for the siting of new recreational gardens at each currently managed city park for the benefit of the community which is served by the park. The planning and installation of new recreational gardens must be conducted in a timely manner. This section and the rules adopted pursuant to this section apply only to new Community Recreational Gardens developed after the effective date of this ordinance.
- (c) The director shall take steps to provide online access to information, application forms and related documents, and services or shall consider alternative means of enhancing access to prospective participants of the Community Recreational Gardening program expansion.



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- (d) The director shall include in the rules and policies one for the acceptance of charitable contributions of cash or services to maintain a community garden plot. Such rules and policies must clearly identify to the public, the process by which charitable contributions of cash or services are conveyed to the City and administered by the department.
- (e) The director shall adopt rules and policies regarding the following:
- (1) The types of permits, fees, and charges required of community recreational gardeners by the department, which may include a fee waiver application process for certain program participants, as determined by the rules;
 - (2) Establishment of a simplified process for participation in the program.
 - (3) Any indemnifications, including copies of liability waiver forms, sought by the department in conjunction with the program; and
 - (4) Obligations placed upon the department when entering into a community recreational gardening agreement with a private person, such as gift acceptances by the City, public procurement requirements, or public union contract commitments."



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 59 (2020), CD1

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SECTION 3. In SECTION 2 of this ordinance, new ordinance material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the underscoring and shall substitute section numbers for "A" and "B" in the section designations of the two new sections enacted in SECTION 2 of this ordinance.

SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

Kymberly Pine

DATE OF INTRODUCTION:

August 5, 2020

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

KIRK CALDWELL, Mayor
City and County of Honolulu